

**EXHIBIT D**

**Gray, Bradley R.**

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**From:** Crowell, Nicholas P. <ncrowell@sidley.com>  
**Sent:** Tuesday, September 5, 2017 9:15 AM  
**To:** Worthington, James B.; Heyworth, James; Stern, Andrew W.; Rovira, Alex R.  
**Cc:** Despina, Luc A.; Bliss, James R.; Cooper, Samuel W.; Zwilling, Zachary S.; Kilpatrick, Ryan N.; Gray, Bradley R.  
**Subject:** [EXT] RE: COFINA-related rule 2004 requests to Santander entities

Jay,

My clients will require a copy of the complaint and a Rule 45 subpoena before they are willing to meet and confer.

Kind regards,

Nick

**NICHOLAS P. CROWELL**

**SIDLEY AUSTIN LLP**  
+1 212 839 5449  
[ncrowell@sidley.com](mailto:ncrowell@sidley.com)

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**From:** Crowell, Nicholas P.  
**Sent:** Friday, September 01, 2017 4:03 PM  
**To:** jamesworthington@paulhastings.com; Heyworth, James <jheyworth@sidley.com>; Stern, Andrew W. <astern@sidley.com>; Rovira, Alex R. <arovira@sidley.com>  
**Cc:** lucdespins@paulhastings.com; jamesbliss@paulhastings.com; samuelcooper@paulhastings.com; zacharyzwilling@paulhastings.com; ryankilpatrick@paulhastings.com; bradgray@paulhastings.com  
**Subject:** Re: COFINA-related rule 2004 requests to Santander entities

No, Jay. I will get back to you when we are ready to talk.

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**From:** "Worthington, James B." <[jamesworthington@paulhastings.com](mailto:jamesworthington@paulhastings.com)>  
**Sent:** Sep 1, 2017 3:20 PM  
**To:** "Crowell, Nicholas P." <[ncrowell@sidley.com](mailto:ncrowell@sidley.com)>; "Heyworth, James" <[jheyworth@sidley.com](mailto:jheyworth@sidley.com)>; "Stern, Andrew W." <[astern@sidley.com](mailto:astern@sidley.com)>; "Rovira, Alex R." <[arovira@sidley.com](mailto:arovira@sidley.com)>  
**Subject:** Re: COFINA-related rule 2004 requests to Santander entities  
**Cc:** "Despins, Luc A." <[lucdespins@paulhastings.com](mailto:lucdespins@paulhastings.com)>; "Bliss, James R." <[jamesbliss@paulhastings.com](mailto:jamesbliss@paulhastings.com)>; "Cooper, Samuel W." <[samuelcooper@paulhastings.com](mailto:samuelcooper@paulhastings.com)>; "Zwilling, Zachary S." <[zacharyzwilling@paulhastings.com](mailto:zacharyzwilling@paulhastings.com)>; "Kilpatrick, Ryan N." <[ryankilpatrick@paulhastings.com](mailto:ryankilpatrick@paulhastings.com)>; "Gray, Bradley R." <[bradgray@paulhastings.com](mailto:bradgray@paulhastings.com)>

Nick,

Do you expect to have a response today? If not, can you get back to us by Tues am at the latest? We're running on a very tight calendar here.

Thanks,

Jay

From: Crowell, Nicholas P.  
Sent: Wednesday, August 30, 2017 4:00 PM  
To: Worthington, James B.; Heyworth, James; Stern, Andrew W.; Rovira, Alex R.  
Cc: Despina, Luc A.; Bliss, James R.; Cooper, Samuel W.; Zwilling, Zachary S.; Kilpatrick, Ryan N.; Gray, Bradley R.  
Subject: [EXT] RE: COFINA-related rule 2004 requests to Santander entities

We will discuss with our client and revert.

NICHOLAS P. CROWELL

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From: Worthington, James B. [<mailto:jamesworthington@paulhastings.com>]  
Sent: Wednesday, August 30, 2017 10:28 AM  
To: Crowell, Nicholas P. <[ncrowell@sidley.com](mailto:ncrowell@sidley.com)>; Heyworth, James <[jheyworth@sidley.com](mailto:jheyworth@sidley.com)>; Stern, Andrew W. <[astern@sidley.com](mailto:astern@sidley.com)>  
Cc: Despina, Luc A. <[lucdespina@paulhastings.com](mailto:lucdespina@paulhastings.com)>; Bliss, James R. <[jamesbliss@paulhastings.com](mailto:jamesbliss@paulhastings.com)>; Cooper, Samuel W. <[samuelcooper@paulhastings.com](mailto:samuelcooper@paulhastings.com)>; Zwilling, Zachary S. <[zacharyzwilling@paulhastings.com](mailto:zacharyzwilling@paulhastings.com)>; Kilpatrick, Ryan N. <[ryankilpatrick@paulhastings.com](mailto:ryankilpatrick@paulhastings.com)>; Gray, Bradley R. <[bradgray@paulhastings.com](mailto:bradgray@paulhastings.com)>  
Subject: COFINA-related rule 2004 requests to Santander entities

Nick,

As you have probably seen, last night the Committee (as Commonwealth Agent) and the COFINA Agent filed the attached Joint Stipulation and Scheduling Order For Commonwealth-COFINA Dispute. You will recall at last week's hearing on the Committee's rule 2004 motion that the court said that she that "want[s] the COFINA-Commonwealth litigation to be -- to go forward as soon as possible." Although the Committee may have narrow supplemental requests for additional COFINA-related materials, requests No. 1 – 9 from the Committee's rule 2004 requests to the Santander entities represent the heart of the Committee's requests for materials relating to the Commonwealth-COFINA dispute.

There is no reason that the imminent commencement of the Commonwealth-COFINA adversary proceeding should restart the discovery clock. To the contrary, as you will see from the stipulation the Commonwealth and COFINA Agents are operating under intense time pressure, with document productions to be completed by late September, and we are accordingly requesting a prompt meet-and-confer focused solely on Requests No. 1 – 9 from our prior rule 2004 requests. We note that the Commonwealth has withdrawn its "pending proceeding" objection with respect to discovery relating to the Commonwealth-COFINA dispute.

Please confirm that you are willing to proceed on this basis (and will not insist on a separate Rule 45 subpoena addressing COFINA subjects) and please let me know when you are available to have a meet-and-confer.

Best regards,  
Jay

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[Paul Hastings LLP]<[James Worthington | Partner, Litigation Department  
Paul Hastings LLP | 200 Park Avenue, New York, NY 10166 | Direct: +1.212.318.6416 | Main: +1.212.318.6000 | Fax: +1.212.230.7769 | \[jamesworthington@paulhastings.com\]\(mailto:jamesworthington@paulhastings.com\)<<mailto:jamesworthington@paulhastings.com>> | \[www.paulhastings.com\]\(https://urldefense.proofpoint.com/v2/url?u=http-3A\_\_www.paulhastings.com\_\_&d=DwMGaQ&c=Od00qP2XTg0tXf\_H69-T2w&r=4qTKY2s-MWIS4QPCow4NWwMnPLhQJkeF5T02Cve9\_o&m=q\_OdMzsHOJaUlvCqE6lYL7Y3yQOzGYER3IqZb8oTanU&s=XA5\)<\[https://urldefense.proofpoint.com/v2/url?u=http-3A\\\_\\\_www.paulhastings.com\\\_\\\_&d=DwMGaQ&c=Od00qP2XTg0tXf\\\_H69-T2w&r=4qTKY2s-MWIS4QPCow4NWwMnPLhQJkeF5T02Cve9\\\_o&m=q\\\_OdMzsHOJaUlvCqE6lYL7Y3yQOzGYER3IqZb8oTanU&s=XA5\]\(https://urldefense.proofpoint.com/v2/url?u=http-3A\_\_www.paulhastings.com\_\_&d=DwMGaQ&c=Od00qP2XTg0tXf\_H69-T2w&r=4qTKY2s-MWIS4QPCow4NWwMnPLhQJkeF5T02Cve9\_o&m=q\_OdMzsHOJaUlvCqE6lYL7Y3yQOzGYER3IqZb8oTanU&s=XA5\)](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.paulhastings.com__&d=DwMGaQ&c=Od00qP2XTg0tXf_H69-T2w&r=4qTKY2s-MWIS4QPCow4NWwMnPLhQJkeF5T02Cve9_o&m=q_OdMzsHOJaUlvCqE6lYL7Y3yQOzGYER3IqZb8oTanU&s=FPmM89TJuxhtftUYXjuPHoNCRtcl8grZULtZkVVXiZU&e=></a></p></div><div data-bbox=)

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